THE HON'BLE MR JUSTICE B.PRAKASH RAO

And

THE HON'BLE MR JUSTICE D.APPA RAO

WRIT APPEAL NO.180 of 2006

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27th February 2006

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 04.07.2005 in W.P.NO.1291 OF 1999 on the file of the High Court.)

Between:

1. The Superintending Engineer, Operation, APSEB, Bhavani Nagar, Tirupathi, Chittoor District.

And two others.

...APPELLANTS

AND

D. Ananda Babu, S/o. D. Papanna, Hindu, 38 years,
R/o. 27/67, Shop Street, Puttoor, Chittoor District.

...RESPONDENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

And

THE HON'BLE MR JUSTICE D.APPA RAO

WRIT APPEAL NO.180 OF 2006

JUDGMENT: (Per the Hon'ble Mr Justice B.Prakash Rao)

Heard both the sides.

At their request, the Writ Appeal itself is taken up for disposal at the admission stage.

The appellant is the management who seeks to assail the order dated 04.07.2005 allowing the Writ Petition being W.P.No.1291 of 1999 filed by the respondent herein and remitting the matter for fresh consideration. The main dispute is in regard to the age of the respondent. He placed reliance on the certificate issued

by the Board of Secondary Education, which indicated his date of birth as 01.11.1961. Therefore, the said document requires to be considered and the matter has to be reconsidered. Having regard to the direction as given for reconsideration and there being no order or any finding as such on merits even in regard to the date of birth, it is always open for the appellants to go into merits and come to conclusion while considering the material and the certificate and pass orders in accordance with law uninfluenced by any of the observations made in the Writ Petition. Hence, we do not find any merits in the Writ Appeal.

Accordingly, the Writ Appeal is dismissed. No costs.

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(B.PRAKASH RAO, J)

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(D.APPA RAO, J)

27th February 2006

RRB

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